

REMARKS

Claims 1-27 and 31-33 are pending. Applicants elect with traverse Group I (claims 1-12 and 31) for examination on the merits. With regard to the requirements for an election of species, (i) a staphylococcal bacteriophage (see claims 2 and 6-7) and (ii) a chlorin particularly SnCe6 (see claims 4-5) are elected. Claims 1-12 and 31 read on at least one of the elected species. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. The breadth of the claims is not changed because their amendment is directed to correcting informalities according to U.S. practice. Omnibus claims are canceled without prejudice or disclaimer since they are not examined under U.S. practice. Support for “an effective amount” is found, *inter alia*, at page 4, lines 20-22, and page 6, line 30, to page 7, line 2, of the specification.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all claims in a single application. Thus, claims 13-27 and 32-33 should not be withdrawn from consideration.

Further, in accordance with the Commissioner’s Notice of March 26, 1996 (1184 OG 86) implementing the Federal Circuit’s decisions of *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1996), Applicants request rejoinder of nonelected method claims upon an indication that an elected product claim is allowable.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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